

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS,**

Petitioner,

-against-

**TRACTEL INC., A/K/A TRACTEL INC.
SWING STAGE E. DIV.,**

Respondent.
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ORDER

18-CV-2658 (MKB)

Currently pending before this Court, on a referral from the Honorable Margo K. Brodie, is a petition filed by the New York City District Council of Carpenters (“petitioner”) to confirm an arbitration award issued in petitioner’s favor against respondent Tractel Inc., a./k./a. Tractel Inc. Swing Stage E. Div. (“respondent”). Respondent did not appear at the arbitration hearing, nor has it responded to the petition in this case.

In considering a petition to confirm an arbitration award, a court must “ensure that the arbitrator had some grounds on which to grant the damages spelled out in the Award.” Trs. of Empire State Carpenters Annuity, Apprenticeship, Labor-Mgmt. Cooperation, Pension & Welfare Funds v. CMI Casework & Millwork, Inc., No. 14-cv-2891(ADS)(AKT), 2015 WL 1198652, at *9 (E.D.N.Y. Mar. 14, 2015) (quoting Application of Trs. of Bldg. Trades Annuity Fund v. Professional Plumbing of Staten Island Corp., No. CV 09-3812(ADS)(AKT), 2010 WL 6230530, at *4 (E.D.N.Y. Nov. 17, 2010)). Accordingly, petitioner must submit the record before the arbitrator or an affidavit from a person with knowledge of the amounts claimed, setting forth how those amounts were calculated and attaching evidentiary support for

the calculations. In addition, petitioner must submit the underlying collective bargaining agreement and any other documents or information pertinent to the calculation of damages, including any applicable trust agreements and counsel's contemporaneous time records. Finally, if petitioner has advanced respondent's one-half of the arbitrator's fee, it shall file proof of petitioner's payment of respondent's portion. If petitioner has not paid respondent's portion of the arbitrator's fee, petitioner shall brief the legal basis for its right to seek relief on behalf of the arbitrator.

Petitioner's supplemental submissions must be filed by August 21, 2018. Respondent is directed to show cause, in writing, by September 5, 2018 (with a copy served on petitioner's counsel), why the relief requested in the instant petition should not be granted. Respondent is warned that its failure to file a timely response will likely result in a judgment being entered against it.

The Clerk is requested to docket this Order into the ECF system and to send a copy, via Federal Express, to respondent at the following address:

Tractel Inc. Swing Stage E. Div.
11-51 44th Road
Long Island City, NY 11107
Attn: Martin Premru

SO ORDERED.

**Dated: Brooklyn, New York
August 7, 2018**

/s/ Roanne L. Mann

**ROANNE L. MANN
CHIEF UNITED STATES MAGISTRATE JUDGE**